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2122

PATENT
Docket No.: 16356.686 (DC-03130)
Customer No.: 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Peppers, Cherita et al

Serial No. 10/087,384

Filed: March 1, 2002

For: METHOD AND APPARATUS FOR
AUTOMATED OPERATING SYSTEMS
UPGRADE

§
§ Group Art Unit: 2122
§
§ Examiner: Romano, John J.
§
§

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 2, 2005, enclosed are the following regarding the above-identified patent application:

1. Amendment and Request for Reconsideration Under 37 CFR §1.111;
2. Transmittal letter; and
3. Return postcard.

[] Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.

[X] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
			PRESENT EXTRA	RATE FEE	ADDITIONAL FEE OR	RATE FEE	ADDITIONAL FEE OR
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR						
TOTAL	20	minus	40	= 0	x 25 \$ _____	OR x 50 \$ _____	
INDEP	2	minus	4	= 0	x 100 \$ _____	OR x 200 \$ _____	
[]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+180 \$ _____	OR + 360 \$ _____		
				TOTAL \$ _____	OR TOTAL \$ _____		

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [] Please charge Deposit Account No. [08-1394 H&B] in the amount of \$_____.
- [] A check in the amount of \$ _____ is attached.
- [X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B, Order No. 16356.686 (DC-03130)].
- [X] Any additional filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- [] Any patent application processing fees under 37 C.F.R. §1.17.
- [] A copy of this sheet is enclosed.

Respectfully submitted,



James R. Bell
Registration No. 26,528

Dated: 2-1-06

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
on	<u>Feb 1, 2006</u>
Date	<u>Susan C. Lien</u>
Susan C. Lien	



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AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present paper is being submitted in response to the Office Action dated November 2, 2005, in the above-identified application.

INTRODUCTORY COMMENTS

Claims 1 and 14 are amended, claims 10 and 23 are canceled, and claims 1-9, 13, 14-22 and 26 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.